

EXHIBIT 2

<div>Page 1</div> <div>1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----X 4 TIFFANY TOTHT, GEMMA LEE, JESSA HINTON, 5 BROOKE TAYLOR, JESSE GOLDEN, LINA POSADA, 6 SHEENA LEE WEBER, HEATHER RAE YOUNG, 7 RACHAEL KOREN, SABELLA SHAKE, 8 URSULA MAYES and CARMEN ELECTRA 9 10 Plaintiffs, 11 12 -against- 13 14 59 MURRAY ENTERPRISES, INC., d/b/a 15 NEW YORK DOLLS GENTLEMEN'S CLUB, 16 BARRY LIPSITZ, AAM HOLDING CORPORATION, 17 d/b/a, PRIVATE EYES GENTLEMEN'S CLUB, INC., 18 d/b/a FLASHDANCERS GENTLEMEN'S CLUB, and 19 MARSHA LIPSITZ, 20 Defendants. 21 Index No.: 15-cv-8028 22 -----X 23 24 DATE: April 13, 2017 25 TIME: 12:06 p.m. 26 27 EXAMINATION BEFORE TRIAL of the Plaintiff, 28 TIFFANY TOTHT, taken by the Defendant, pursuant to a 29 Notice, held at the offices of LEWIS, BRISBOIS, 30 BISGAARD & SMITH, LLP, 77 Water Street, 21st Floor, 31 New York, New York 10005, before Avery N. Armstrong, 32 a Notary Public of the State of New York. 33 34 35</div>	<div>Page 3</div> <div>1 2 3 FEDERAL STIPULATIONS 4 5 IT IS HEREBY STIPULATED AND AGREED by and 6 between the counsel for the respective parties 7 herein that the sealing, filing and certification of 8 the within deposition be waived; that the original 9 of the deposition may be signed and sworn to by the 10 witness before anyone authorized to administer an 11 oath, with the same effect as if signed before a 12 Judge of the Court; that an unsigned copy of the 13 deposition may be used with the same force and 14 effect as if signed by the witness, 30 days after 15 service of the original & 1 copy of same upon 16 counsel for the witness. 17 18 IT IS FURTHER STIPULATED AND AGREED that 19 all objections except as to form, are reserved to 20 the time of trial. 21 22 * * * * 23 24 25</div>
<div>Page 2</div> <div>1 2 APPEARANCES: 3 4 THE CASAS LAW FIRM, P.C. 5 Attorneys for the Plaintiffs 6 TIFFANY TOTHT, etc. 7 1745 Broadway, 17th Floor 8 New York, New York 10019 9 10 BY: JOHN V. GOLASZEWSKI, ESQ. 11 12 LEWIS, BRISBOIS, BISGAARD & SMITH, LLP 13 Attorneys for the Defendants 14 NEW YORK DOLLS GENTLEMEN'S CLUB, etc. 15 77 Water Street, 21st Floor 16 New York, New York 10005 17 BY: JEFFREY SPIEGEL, ESQ. 18 REBECCA GOLDSTEIN, ESQ. 19 20 21 22 23 24 25</div>	<div>Page 4</div> <div>1 T. TOTHT 2 TIFFANY TOTHT, called as a witness, 3 having been first duly sworn by a Notary 4 Public of the State of New York, was 5 examined and testified as follows: 6 MR. GOLASZEWSKI: Just so I don't have to 7 interrupt, counsel, during the course of this 8 deposition, a confidentiality order is in place 9 in this matter. 10 We are going to designate as confidential, 11 all testimony of Ms. Toth related to her 12 finances, the compensation received under 13 modeling contracts, her 1099s, her tax returns, 14 and any other financial information. 15 That will be a blanket designation for 16 this deposition as it pertains to that 17 testimony, and this way, I don't have to 18 interrupt counsel during his deposition. 19 Thank you. 20 EXAMINATION BY 21 MR. SPIEGEL: 22 Q Ms. Toth, My name is Jeff Spiegel. I 23 represent the defendants in this lawsuit. 24 My understanding is that you've given 25 testimony before, correct</div>

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1 T. TOTH

2 A Yes.

3 Q So you understand the rules and how a

4 deposition works, correct?

5 A Yes.

6 Q Have you ever testified -- you testified

7 at deposition before.

8 Have you ever testified at trial?

9 A No.

10 Q Okay. So I'm not going to go over the

11 background of what needs to happen. I just want to

12 say on the record that try let me finish my

13 sentences, this way the court reporter takes

14 everything down, and I'll do the same for you, okay?

15 A Okay.

16 Q And we'll try not to interrupt each other.

17 Could you state your full name for the

18 record, please.

19 A Tiffany Nicole Gray.

20 Q And what other names do you go by?

21 A Tiffany Toth.

22 Q So Tiffany Toth, is that your modeling

23 name?

24 A Maiden name.

25 Q Do you model under the name Tiffany Toth?

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1 T. TOTH

2 A Yes.

3 Q Do you model of the name Tiffany Gray?

4 A No.

5 Q So the defendants in this lawsuit -- and

6 I'll just state them for the record, the doing

7 business name as, not even the corporate names --

8 I'll state is New York Dolls Gentlemen's Club,

9 Private Eyes Gentlemen's Club, and Flashdancers

10 Gentlemen's Club.

11 Prior to this lawsuit, were you familiar

12 with any of these clubs?

13 A I might have been.

14 Q Have you ever attended or visited any of

15 these clubs?

16 A No.

17 Q The individuals that were named in this

18 lawsuit are Barry Lipsitz, Anita Masselli, and

19 Martha Lipsitz.

20 Are you familiar with these three

21 defendants?

22 A I don't know them, but I'm familiar with

23 the name because of the case.

24 Q You've never met them before?

25 A No.

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1 T. TOTH

2 Q So the three clubs we just listed, for

3 clarification purposes, we can just name them as the

4 Clubs with capital C for the record.

5 With any of theses Clubs, have you ever

6 seen advertisements for them, for any of the Clubs?

7 Sorry, let me rephrase that.

8 Prior to this lawsuit, have you ever seen

9 advertisements for any of the Clubs?

10 A Not that I'm aware of.

11 Q I'm going to show you what we're going to

12 mark as Exhibit TTA, TT for Tiffany Toth, which is

13 going to be the second amended complaint that was

14 filed in this case.

15 Exhibit A of TTA are photos that you

16 contend are of you, and I'm going to show you this a

17 second.

18 (Whereupon, second amended

19 complaint was marked as Exhibit

20 TT1 for Identification.)

21 Q So what I put in front of you, we've

22 marked as TT1.

23 If you turn to the front page, do you

24 recognize this document?

25 A Yes.

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1 T. TOTH

2 Q Is this the complaint that was filed in

3 this lawsuit?

4 A Yes.

5 Q So turning to Exhibit A of the lawsuit, if

6 you would, please go through the pictures attached

7 to Exhibit A. It should be five pictures there.

8 A On this page as well?

9 MR. GOLASZEWSKI: It's just a continuation

10 of that page.

11 THE WITNESS: Got it. Okay.

12 Q Are all these photos -- and all these

13 images, are these photographs of you?

14 A Yes. Except these other ones.

15 MR. GOLASZEWSKI: For the record, the

16 witness is indicating the third page of Exhibit

17 A, there are a number of pictures, only one of

18 which is of her; is that right?

19 THE WITNESS: Yes.

20 Q Okay. If we can go to the first image of

21 Exhibit A. This one is an advertisement, it looks

22 like for New York Dolls Halloween party, correct?

23 A Correct.

24 Q And that's you featured in this image,

25 correct?

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2 A Yes.

3 Q How did you first learn of this

4 advertisement?

5 A I don't remember. It was quite awhile

6 ago.

7 Q Okay. Do you recall when you took this

8 photo?

9 A When I took it?

10 MR. GOLASZEWSKI: Objection.

11 You can answer.

12 A Could have been between -- I don't

13 remember exact dates. Let's say it was between

14 2000 -- maybe 2012 to '15. Somewhere around there.

15 I can't say for sure though.

16 Q Do you recall what company this photo was

17 taken for?

18 A Yes.

19 Q Who?

20 A Mystery House.

21 Q Do you recall who the photographer was?

22 A Yes.

23 Q Who was the photographer?

24 A His name was Jean Paul.

25 Q I'm sorry, Jean Paul?

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2 A Yeah. Yes.

3 Q Do you know how much you were paid for

4 this photo?

5 A I don't remember. It was quite awhile

6 ago.

7 Q And what is Mystery House?

8 A It's a costume company.

9 Q Okay. Could you turn to the second image.

10 Do you recall the first time you learned

11 that this photograph was being used for

12 advertisement for the New York Dolls Club?

13 A I don't remember.

14 Q Do you recall when you took this photo?

15 MR. GOLASZEWSKI: Objection.

16 A I don't remember exactly. But I would say

17 from my hair color, it was some time before 2011.

18 Q Do you recall what company you took this

19 photo for?

20 A Yes.

21 Q What company was that?

22 A Roma.

23 Q And what is Roma?

24 A It's a dancewear costume company.

25 Q I saw in your documents that your lawyer

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1 T. TOTH

2 produced, you've done work for them for quite a

3 period of time, correct?

4 A For --

5 Q For a number of years for Roma?

6 A Oh, yes.

7 Q So when did you first start working with

8 Roma?

9 A It's been a while. I don't remember what

10 year it was.

11 Q Do you recall who the photographer was?

12 A Yes.

13 Q Who was that?

14 A It was a girl named Mitsy.

15 Q Mitsy. Do you know Mitsy's last name?

16 A Val -- I don't know how to pronounce.

17 Like Val --

18 Q Valencia?

19 A I can't -- yeah, I don't know.

20 Q Do you recall how much you were paid for

21 this photo?

22 A No, I don't.

23 Q Do you have a contract with Roma,

24 currently?

25 A No.

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1 T. TOTH

2 Q When was the last time you did work for

3 Roma?

4 A Within the year.

5 Q So when you say "within the year," you

6 mean within 2017?

7 A It could have been 2016, maybe the end of

8 2015. I can't be sure.

9 Q Did you have a contract with Roma?

10 A No.

11 Q So what kind of agreement did you have

12 with them?

13 A A model release.

14 Q And what exactly is a model release?

15 A Basically stating that you are being paid

16 to work for that specific company for their purpose

17 of selling their clothing.

18 Q And as of 2015 or '16, the last time you

19 worked with Roma, how much were you paid for a photo

20 shoot with them?

21 A I don't remember exactly.

22 Q If you would, turn to the next page. The

23 very bottom image of Page 3 of Exhibit A appears to

24 be the same image that we saw on Page 1; is that

25 correct?

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1 T. TOTH

2 A Yes.

3 Q And any of the images on this page, are

4 any of them yours?

5 A No.

6 Q Turn to the next page which is Page 4.

7 Are any of those images yours?

8 A No.

9 Q Turn to the next page.

10 This image looks to be the same as Page 2

11 of what we just looked at; is that correct?

12 A Yes.

13 Q And the following page.

14 This is the same image of what we just

15 saw; is that correct?

16 A Yes.

17 Q So there were two images that were used by

18 these Clubs without your permission; is that

19 correct?

20 A Yes.

21 Q Do you know whether or not the Clubs are

22 still using your images for advertising purposes?

23 A I haven't checked recently.

24 Q When was the last time you checked?

25 A Gosh, I don't remember. I don't remember.

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1 T. TOTH

2 Q Have you checked and not seen your images

3 on the Club's advertisements?

4 A I don't think so.

5 Q You said before this, you met with your

6 attorney to discuss this deposition, correct?

7 A Yes.

8 Q And who else was present during those

9 discussions?

10 A Another model.

11 Q Did you ever -- did you have any

12 discussions with Jessa Hinton regarding your

13 deposition today?

14 A No.

15 Q Have you had discussions with anybody else

16 concerning your deposition today besides your

17 attorney?

18 A Any other model that was present, no.

19 Q Have you made any written statements

20 regarding the allegations in this lawsuit to anyone

21 or anywhere?

22 MR. GOLASZEWSKI: We're talking ever?

23 MR. SPIEGEL: Within the past five years.

24 A Have I talked about this case?

25 Q Yes. Have you made any written statements

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2 such as on any websites or to any reporters?

3 A No.

4 Q In preparation for today's testimony, what

5 documents did you review, if any?

6 A I reviewed the complaints and any -- and

7 the other thing you had showed me. No, not that.

8 Q Images?

9 A Something else. I don't remember.

10 Q Okay. Just getting some quick background

11 from you.

12 Where do you live currently?

13 A Orange County.

14 Q And how long have you lived in Orange

15 County?

16 A My whole life.

17 Q Your whole life?

18 A Mm hm.

19 Q What address do you live at currently?

20 THE WITNESS: Is it okay to give it?

21 MR. SPIEGEL: It's subject to a

22 confidentiality agreement.

23 A Oh, okay. 2127 East Brentford Avenue,

24 Orange, California 92867.

25 Q And how long have you lived at that

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2 address?

3 A Since 2009.

4 Q And what's your date of birth?

5 A 3/28/86.

6 Q Do you have a California driver's license?

7 A Yes.

8 Q And what's your marital status?

9 A Married.

10 Q How long have you been married?

11 A It will be eight years in May.

12 Q Do you have any children?

13 A No.

14 Q And the name of your spouse is Jeffrey

15 Gray; is that correct.

16 A Yes.

17 Q And what does he do for a living?

18 A He's a corporal and swat officer.

19 Q For Orange County?

20 A Yes, City of Orange.

21 Q Have you ever been arrested?

22 A No.

23 Q Now, with respect to social media

24 accounts, we saw that you have some public profiles

25 with respects to Instagram and Facebook; is that

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1 T. TOTH

2 correct?

3 A Yes.

4 Q Do you have any other public profiles with

5 respect to social media sites?

6 A I have my website, and Twitter.

7 Q Is your Twitter account public?

8 A Yes.

9 Q What else besides your website and

10 Twitter?

11 A I have a Tumblr blog, but I haven't used

12 it. I think it's up, but I haven't used it

13 recently.

14 Q Any others?

15 A Not that I know of.

16 Q And you're Instagram name is Tiffany Toth

17 XOXO; is that correct?

18 A Yes.

19 Q Is that your name also on Facebook?

20 A No.

21 Q What's your name on Facebook?

22 A It's just at Tiffany Toth, the number 2.

23 Q And what about on Twitter.

24 What's your Twitter handle?

25 A Twitter is the Tiffany Toth XOXO.

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1 T. TOTH

2 Q And do you use these public profiles for

3 marketing purposes?

4 A I would say marketing, personal, yeah.

5 Q Do you have a separate personal account on

6 these social media accounts?

7 A On Facebook I do.

8 Q Not on the other ones, not on Instagram or

9 Tumblr or Twitter?

10 A Well, it's hard to say if it's personal.

11 I mean, I don't know, it's my life, so it's personal

12 to me. So I don't know.

13 Q So on your public -- let's just focus on

14 the Facebook account for a moment.

15 A Okay.

16 Q So on your public Facebook account, you

17 might post some personal information about yourself?

18 MR. GOLASZEWSKI: Objection.

19 You can answer.

20 A Well, my job is public. But it's personal

21 to me. So I don't know how to answer that.

22 Q So do you post photographs or comments

23 about you and your friends, for example?

24 A Yes.

25 Q Okay. That's just concerning Facebook,

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1 T. TOTH

2 correct?

3 A Yes.

4 Q And what about on Instagram, do you post

5 photos regarding your friends and family?

6 A Yes.

7 Q Do you have a Snapchat?

8 A I do.

9 Q Is it a public Snapchat page?

10 A Yes, but I don't use it.

11 Q I don't think I understand Snapchat.

12 Do you have followers on Snapchat?

13 A Yeah, I guess they're followers, but I

14 can't see them. It's just you see how many people

15 view your snap. I don't know. I haven't been there

16 in a long time.

17 Q So you're not able to tell how many people

18 are actually following you on Snapchat?

19 A No, but you can see how many people view

20 when you Snapchat. But since I don't do it, I don't

21 know until I do a Snap.

22 Q And when we looked at your Facebook

23 profile, it looked as though you have over 4 million

24 likes; does that sound accurate?

25 A Yes.

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1 T. TOTH

2 Q So just focusing on just the modeling part

3 of your career. I'm not sure of the other aspects

4 of how you get compensation. Just for clarification

5 purposes, I want to make sure we're on the same

6 page.

7 There are photos which you might take

8 which are collaborations photos?

9 A Yes.

10 Q Where you work with a photographer and you

11 agree to take photos with them, but you're not

12 compensated for those photos, and you don't sign a

13 release for those photos, and you and the

14 photography are both able to access and use those

15 photos how you see fit; is that correct?

16 A Yes.

17 MR. GOLASZEWSKI: Objection.

18 Q So for purposes of this deposition, I'm

19 going to refer to certain photos as collaborations

20 photos. I just want to make sure you and I are on

21 the same page with that.

22 And with those collaborations photos, my

23 understanding also is there's no signed agreement

24 between you and the photograph photographers; is

25 that correct?

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1 T. TOTH
2 MR. GOLASZEWSKI: Objection.
3 A There might have been in the past.
4 Q Okay. So if there are any photos that we
5 look at that we refer as collaborations photos, and
6 there is a signed agreement or there is some
7 compensation, something other than what we
8 discussed, please be sure to let me know, so we can
9 clarify that point, okay?
10 A Okay.
11 Q And the other types of photos which I
12 understand is that where you might take photographs
13 as part of a modeling job where a photographer takes
14 photos of you on behalf of a company or brand.
15 And for those, you are compensated; is
16 that correct?
17 A Yes.
18 Q And when I say "compensated," I'm not just
19 talking about money. I'm also talking about free
20 merchandise. Anything that might be deemed
21 compensation.
22 And for those, you occasionally will have
23 an agreement and a release, correct?
24 A Not always.
25 Q Not always, right. But sometimes you do

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1 T. TOTH
2 and sometimes you don't, correct?
3 A Yes.
4 Q Okay. So what I want to do now is I want
5 to show you some pictures from your public social
6 media accounts, and then we can go through them and
7 you can establish whether or not those are
8 collaborations photos or those are photos where
9 there's contracts or leases or compensation, okay?
10 A Okay.
11 Q If you would, turn to the first tab. So
12 this first tab which we're not going to mark as
13 exhibits until we dive into it.
14 For this first tab, is this a
15 collaboration photo?
16 A No.
17 Q Do you recall when you took this photo?
18 A I do not.
19 Q Do you recall who you took this photo for?
20 A I think it was Mystery House.
21 Q And you said before, that's the lingerie
22 and costume company?
23 A Yes.
24 Q Do you recall who the photographer was?
25 A Yes.

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2 Q And who was that.
3 A Jean Paul.
4 Q So when you say Jean Paul, is it J-E-A-N
5 or J-O --
6 A Yes, J-E-A-N.
7 Q And is he located in Los Angeles, Orange
8 County?
9 A He has since died.
10 Q Did you do a lot of work with Jean Paul.
11 A Yes.
12 Q Did Jean Paul do many of the photographs
13 for Mystery House?
14 A Yes.
15 Q Now, my understanding is that the
16 photographer is a freelance employ -- he's not an
17 employee.
18 He's like a freelance photographer; is
19 that correct?
20 MR. GOLASZEWSKI: Objection.
21 Q So is Jean Paul employed by Mystery House?
22 MR. GOLASZEWSKI: Objection.
23 Q As far as you know?
24 A Well, I know he was employed by them. But
25 at the same time, he's employed by a lot of

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1 T. TOTH
2 different people. So I don't really know how to
3 answer that.
4 Q Okay. So you don't know relationship?
5 A I didn't know like his work status.
6 Q All right. So did you have a manager when
7 you took this photo?
8 A An agency, yes.
9 Q An agency. What agency was that?
10 A Oh, I don't remember at the time.
11 Q Who's your current agent?
12 A For print?
13 Q So there are different types of agents?
14 A Yes.
15 Q So when you say "print," you mean
16 modeling?
17 Is it the same thing?
18 A Print work, meaning anything in print.
19 Q Okay. So that would be any photographs
20 you might take, correct?
21 MR. GOLASZEWSKI: Objection.
22 A Yes.
23 Q What agents do you currently have?
24 A CESD.
25 Q And what kind of agent is it that?

<p style="text-align: right;">Page 25</p> <p>1 T. TOTH</p> <p>2 A That's a print agent.</p> <p>3 Q Okay. And who else?</p> <p>4 A NTA.</p> <p>5 Q MTA?</p> <p>6 A NTA.</p> <p>7 Q And what kind of agency is that?</p> <p>8 A That's a commercial agent?</p> <p>9 Q And what is a commercial agent?</p> <p>10 A Anything commercials.</p> <p>11 Q Any other agents?</p> <p>12 A Otto, O-T-T-O.</p> <p>13 Q And what kind of agency is Otto?</p> <p>14 A Print.</p> <p>15 Q So you have two print agents?</p> <p>16 A Yes.</p> <p>17 Q Do you have any other agents besides these</p> <p>18 three?</p> <p>19 A No.</p> <p>20 Q So with the way it works, is that Mystery</p> <p>21 House contacts your agent, and your agent contacts</p> <p>22 you to see if you're interested in doing a shoot?</p> <p>23 MR. GOLASZEWSKI: Objection.</p> <p>24 Q Is that how it works?</p> <p>25 A It could, yes.</p>	<p style="text-align: right;">Page 27</p> <p>1 T. TOTH</p> <p>2 Identification.)</p> <p>3 (Whereupon, a photograph was</p> <p>4 marked as Exhibit TT3 for</p> <p>5 Identification.)</p> <p>6 Q Do you recall when this photo was taken?</p> <p>7 A No.</p> <p>8 Q Do you recall the photographer who took</p> <p>9 this photo.</p> <p>10 A I can't be sure.</p> <p>11 Q Do you recall what company you took this</p> <p>12 photo for?</p> <p>13 A Yes.</p> <p>14 Q What company was that?</p> <p>15 A I believe it's Roma.</p> <p>16 Q I'm sorry, did you say Roma?</p> <p>17 A Roma.</p> <p>18 Q Do you recall how much you were paid for</p> <p>19 this photo?</p> <p>20 A I do not.</p> <p>21 Q So with the contract or the agreement you</p> <p>22 had with Roma, they gave you copies of the</p> <p>23 photographs for you to use on your own social media</p> <p>24 sites?</p> <p>25 A Yes. They'll give us catalogs or whatever</p>
<p style="text-align: right;">Page 26</p> <p>1 T. TOTH</p> <p>2 Q So for purposes of Mystery House, is that</p> <p>3 how it worked with them?</p> <p>4 A It might have been direct. I mean, I've</p> <p>5 worked so many jobs. Some are direct, some are</p> <p>6 through an agent.</p> <p>7 Q So for Mystery House in particular, did</p> <p>8 you have a -- well, you said before, you currently</p> <p>9 don't have a contract with them, correct?</p> <p>10 A Yes.</p> <p>11 Q And I'm sorry if you said this already,</p> <p>12 you don't recall when this photo was taken?</p> <p>13 A I do not.</p> <p>14 Q Do you recall how much you were paid for</p> <p>15 this photo?</p> <p>16 A I do not.</p> <p>17 Q If you would, turn to -- I'm sorry?</p> <p>18 MR. SPIEGEL: Marking this as TT2. It's</p> <p>19 the picture we just looked at.</p> <p>20 Q If you would turn to the second tab.</p> <p>21 Was this a collaboration photo?</p> <p>22 A No.</p> <p>23 Q So I want to mark this as TT3.</p> <p>24 (Whereupon, a photograph was</p> <p>25 marked as Exhibit TT2 for</p>	<p style="text-align: right;">Page 28</p> <p>1 T. TOTH</p> <p>2 else we want as far as pictures.</p> <p>3 Q Just so I understand this, after a photo</p> <p>4 shoot, they would send you a CD or a zip drive or</p> <p>5 something of a picture that you just took with them?</p> <p>6 A If I want them, yes.</p> <p>7 Q If you requested?</p> <p>8 A Yes.</p> <p>9 Q And how many photos would be in that zip</p> <p>10 drive or CD that they would send you?</p> <p>11 A Oh, gosh, I don't remember.</p> <p>12 Q Hundreds?</p> <p>13 A I usually don't even ask for them, because</p> <p>14 I can just get it from them. Like if there's a</p> <p>15 specific picture I want, I can just get it.</p> <p>16 Q But are there over 100 pictures that they</p> <p>17 take of you on any given shoot?</p> <p>18 A Like 100 outfits, or 100 -- like what do</p> <p>19 you mean?</p> <p>20 Q Different snaps that they take of you.</p> <p>21 So when you get one of these zip drives or</p> <p>22 CDs, let's say you request it, how many photos might</p> <p>23 be on that zip drive?</p> <p>24 MR. GOLASZEWSKI: Objection.</p> <p>25 A Well, they wouldn't give out every picture</p>

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2 that was taken that day. They're going to give out

3 what was chosen and going to be in the catalog.

4 Q So on any given day, when you do a photo

5 shoot for Roma, how many photos do they take and

6 actually choose to use?

7 A How many do they take? I don't know.

8 MR. GOLASZEWSKI: Objection.

9 A I mean, there's multiple poses you can

10 shoot a costume, and you have to shoot front and

11 back. Some companies can take two shots and be

12 done, some can take five. I mean, I would not know.

13 I've done so many of these shoots, I couldn't tell

14 you.

15 Q With Roma in particular, did you have an

16 agreement of how many photos they would use per

17 photo shoot.

18 A No. Nobody knows.

19 Q Could you turn to the next tab which is

20 tab 3.

21 Is this a collaboration photo?

22 A No.

23 Q Who did you shoot this for?

24 A I think it was for Spicy Lingerie.

25 MR. SPIEGEL: I'm going to mark this as

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2 TT4.

3 (Whereupon, a photograph was

4 marked as Exhibit TT4 for

5 Identification.)

6 Q I'm sorry, you said Spicy Lingerie?

7 A Yes.

8 Q And what is Spicy Lingerie?

9 A Lingerie company.

10 Q Is it a website or is it a storefront?

11 A It's a website.

12 Q Do you recall when you took this picture?

13 A I don't remember exactly.

14 Q Do you recall how much you were paid for

15 this photo?

16 A I do not.

17 Q Do you recall if you have a contract or

18 lease with Spicy Lingerie?

19 A I might have a release; no contract.

20 Q If you would, turn to the next tab, tab 4.

21 Is this a collaboration photo?

22 A No.

23 MR. SPIEGEL: For clarification purposes,

24 I'm going to mark this off as TT5.

25 (Whereupon, a photograph was

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1 T. TOTH

2 marked as Exhibit TT5 for

3 Identification.)

4 Q Do you recall when you took this photo?

5 A I don't.

6 Q Do you recall who you took this photo for?

7 A I mean, I took this for myself.

8 Q Did you take this for any company?

9 A No.

10 Q So who was the photographer that took this

11 photo?

12 A This was with my own camera.

13 Q Have you sold this image to any companies?

14 A No.

15 Q If you would, turn to tab 5.

16 Did you take this photo with your own

17 camera as well?

18 A Yes.

19 Q If you would, turn to Exhibit 6.

20 Did you take this photo with your own

21 camera?

22 A Yes.

23 Q Did you shoot that day with Shirley of

24 Hollywood?

25 A Yes.

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1 T. TOTH

2 Q That's what it says in the caption,

3 correct?

4 A Yes.

5 Q But this is not one of the photos you took

6 with Shirley of Hollywood, right?

7 A What do you mean?

8 Q This is not taken by a professional

9 photographer, correct, this photo?

10 A That was my taking a picture of a picture.

11 Q Okay. This is a picture --

12 A On the computer.

13 Q Understood. So the actual photograph,

14 though, was taken by a professional photographer,

15 right?

16 A So it's me taking a picture of the

17 computer screen of a shot that was just taken.

18 Q Right. So the shot that was just taken,

19 was taken by a professional photographer, correct?

20 A Yes.

21 Q Do you recall who the photographer was?

22 A Yes.

23 Q What's his name?

24 A David.

25 Q David, what's the last name?

Page 33

1 T. TOTH

2 A Mecey.

3 Q Spell that, please?

4 A M-E-C-E-Y.

5 MR. SPIEGEL: I'm going to mark this for

6 clarification purposes.

7 This will be TT6.

8 (Whereupon, a photograph was

9 marked as Exhibit TT6 for

10 Identification.)

11 Q So you said before, you did this for

12 Shirley of Hollywood, correct?

13 A Yes.

14 Q Are they a lingerie company?

15 A Yes.

16 Q As far as you know, do they have a

17 website?

18 A Yes.

19 Q And they also have a store front, or no?

20 A No.

21 Q Do you know if this photo was actually

22 used on their website?

23 A No.

24 Q Do you recall how much you were paid for

25 this photo?

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1 T. TOTH

2 A No.

3 Q If you would, turn to tab 7.

4 A That's a different one than you.

5 MR. SPIEGEL: Off the record.

6 (Whereupon an off-the-record

7 discussion was held at this

8 time.)

9 Q Looking at Exhibit 7.

10 Is this a collaboration photo?

11 A No.

12 MR. SPIEGEL: I'm going to mark this as

13 TT7.

14 THE WITNESS: Can I ask something?

15 MR. GOLASZEWSKI: Off the record, if you

16 want to ask your attorney.

17 (Whereupon, a photograph was

18 marked as Exhibit TT7 for

19 Identification.)

20 (Whereupon, an off-the-record

21 discussion was held at this

22 time.)

23 MR. GOLASZEWSKI: Off the record, Ms. Toth

24 made a clarification which we think makes sense

25 to put on the record.

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1 T. TOTH

2 Q Do you want to repeat your question

3 please.

4 A Yes. When you had mentioned

5 collaborations, a collaboration could also mean

6 receiving pictures in exchange for the shoot, where

7 typically, a model might have to pay money for

8 pictures from certain photographs. That could also

9 be a collaboration as well. So receiving

10 professional photos.

11 Q So the photos are your compensation?

12 A Sometimes, yes.

13 Q Okay. So we haven't looked at any of the

14 photos so far that have been collaboration, correct?

15 A Correct.

16 Q So is this photo a collaboration?

17 A Yes. Meaning, it would have been that I

18 received photos that typically someone would have to

19 pay money for.

20 Q Okay. And that's the case for this

21 particular picture, correct?

22 A Yes.

23 Q Sorry, looking at --

24 MR. GOLASZEWSKI: Referencing TT7.

25 A Meaning, it was like a trade shoot to

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1 T. TOTH

2 where I got the photos that I wanted and wanted to

3 use. So that would be like my compensation.

4 Q Okay. So what company did you do this

5 shoot for?

6 A It wasn't for a specific company. It was

7 just to get photos that I wanted.

8 Q So you did it just for the photographer?

9 A Yes.

10 Q Right. So for collaboration purposes,

11 that's what I was talking about before.

12 A So that would still be considered to you

13 collaboration?

14 Q Correct.

15 A Okay.

16 Q And from when I understand is that the

17 purposes of this collaboration is so that you could

18 try to sell the image on your own or market with the

19 image?

20 A Not sell. Just to have. I mean, this was

21 a while ago. But yeah, I wanted to work with this

22 particular photographer?

23 Q Who was this photographer?

24 What's his name?

25 A His name was Nicholas.

Page 37

1 T. TOTH

2 Q What's his last name?

3 A De Bruin.

4 Q Can you spell that?

5 A I think it's D-E-B-R-U-I-N.

6 Q How come you wanted to work with Nicholas

7 De Bruin?

8 A Because I liked his work. He's a great

9 photographer.

10 Q So what's the benefit of you having these

11 pictures?

12 A I mean, for any model, to have great

13 pictures helps you get work.

14 Q So do you add these pictures to your

15 portfolio?

16 A Yes.

17 Q And is the portfolio something you send to

18 these companies when you're trying to get work?

19 A Back in the day, it would be a physical

20 book. Now everything is -- I mean, if you go to an

21 audition, it can be on your laptop or a kindle or,

22 you know, just by e-mail now.

23 Q Okay. And I'm sorry if you said this

24 before.

25 Do you recall what date this photo was

Page 38

1 T. TOTH

2 taken?

3 A I do not.

4 Q Let's turn to tab 8, please.

5 Is this photo a collaboration?

6 A No.

7 MR. SPIEGEL: Let's mark this off as TT8.

8 (Whereupon, a photograph was

9 marked as Exhibit TT8 for

10 Identification.)

11 Q So looking at TT8, do you recall what

12 company you took this photo for?

13 A This is not for a company.

14 Q Who is it for?

15 A Myself.

16 Q Who took the photograph?

17 A My camera.

18 Q Oh, this is your own personal picture?

19 A Mm hm.

20 Q Okay. Turn to tab 9, please.

21 Is tab 9 a collaboration?

22 A I don't -- no, nobody's tagged in it, so

23 no.

24 Q Did you take this picture yourself?

25 A No.

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1 T. TOTH

2 Q Did you take this picture for any company?

3 A I might have. I don't remember if this

4 was or not.

5 Q So you don't recall if you were paid money

6 for this photo?

7 A I think I was. I can't be sure though. I

8 don't remember.

9 Q Yeah I don't want you guessing. So if you

10 can't be sure, that's fine.

11 So if you would, turn to tab 10.

12 A Okay.

13 Q This looks like just a photo by one of

14 your friends; is that correct?

15 MR. GOLASZEWSKI: Objection.

16 A Yes.

17 Q This was not a professional photographer

18 taking this photo, correct?

19 A No.

20 Q And it wasn't for any company, correct?

21 A It was.

22 Q It was?

23 A Yes.

24 Q Well, it says on the tab that it was for

25 sponsor Blackheart Premium Spiced Rum.

Page 40

1 T. TOTH

2 A Yes.

3 Q So this was a photograph taken at an event

4 sponsored by that company?

5 A Yes.

6 Q Is Blackheart Premium Spiced Rum sponsored

7 by Playboy?

8 A I don't know what you mean.

9 Q How did you end up at this party?

10 A That's at the Playboy Mansion.

11 Q So were you asked by Playboy to attend

12 this party?

13 A Yes.

14 Q Were you paid to attend the party?

15 A Yes.

16 Q Do you recall how much you were paid?

17 A I do not.

18 Q And it says here on the photo, August 27,

19 2016.

20 To the best of your memory, was that the

21 date of this party?

22 A It could have been. Maybe not. I can't

23 say for sure.

24 Q To the best of your memory, was it around

25 this time?

Page 41	Page 43
<p>1 T. TOTH</p> <p>2 A Probably. But I can't say for sure.</p> <p>3 Q Okay. If you would, turn to tab 11.</p> <p>4 Was this photograph at the Playboy</p> <p>5 Mansion?</p> <p>6 A No.</p> <p>7 Q Do you recall where this photograph was</p> <p>8 taken?</p> <p>9 A Yes.</p> <p>10 Q Where?</p> <p>11 A It was in Ecuador.</p> <p>12 Q Were you there on behalf of Playboy?</p> <p>13 A Yes.</p> <p>14 Q Were you compensated to go to Ecuador?</p> <p>15 A Yes.</p> <p>16 Q Do you recall how much you were paid?</p> <p>17 A I do not.</p> <p>18 Q Was Playboy throwing a party in Ecuador?</p> <p>19 A Yes.</p> <p>20 Q What kind of party was it?</p> <p>21 A It was a nightclub appearance. There was</p> <p>22 multiple ones that we did.</p> <p>23 Q What did Playboy ask you to do at this</p> <p>24 party?</p> <p>25 A Literally just show up.</p>	<p>1 T. TOTH</p> <p>2 A Yes.</p> <p>3 MR. SPIEGEL: I'd like to mark this as</p> <p>4 TT9.</p> <p>5 (Whereupon, a photograph was</p> <p>6 marked as Exhibit TT9 for</p> <p>7 Identification.)</p> <p>8 Q Looking at TT9, that's a photograph of</p> <p>9 you, correct?</p> <p>10 A Yes.</p> <p>11 Q What company was this photograph taken</p> <p>12 for?</p> <p>13 A I don't remember exactly.</p> <p>14 Q Do you recall who the photograph was?</p> <p>15 A David Mecey.</p> <p>16 Q Do you recall how much you were paid for</p> <p>17 this photo?</p> <p>18 A I do not.</p> <p>19 Q Do you recall if you signed a release with</p> <p>20 respect to this photo?</p> <p>21 A Yes.</p> <p>22 Q He let's turn to tab 14.</p> <p>23 MR. SPIEGEL: I'm going to mark this as</p> <p>24 TT10.</p> <p>25 (Whereupon, a photograph was</p>
Page 42	Page 44
<p>1 T. TOTH</p> <p>2 Q Just wear a Playboy outfit and show up?</p> <p>3 A Because they used Playboy and -- yes.</p> <p>4 Q Were you serving drinks at the party?</p> <p>5 A No.</p> <p>6 Q So you were just walking around hanging</p> <p>7 out?</p> <p>8 A Yes. When you're wearing the bunny suit,</p> <p>9 you do not handle alcohol, whatsoever.</p> <p>10 Q That's a rule Playboy has?</p> <p>11 A Yes.</p> <p>12 Q If you would, turn to tab 12.</p> <p>13 Did you take this photograph?</p> <p>14 A It was with my camera.</p> <p>15 Q Was this at a photo shoot?</p> <p>16 A Yes.</p> <p>17 Q Who was the photo shoot for?</p> <p>18 A I don't remember this one.</p> <p>19 Q Do you recall how much you were paid for</p> <p>20 this photo shoot?</p> <p>21 A No, I don't remember.</p> <p>22 Q If you would, turn to 10 of 13.</p> <p>23 Who took this photo?</p> <p>24 A A photographer.</p> <p>25 Q Was this on behalf of a company?</p>	<p>1 T. TOTH</p> <p>2 marked as Exhibit 10 for</p> <p>3 Identification.).</p> <p>4 Q Looking at TT10.</p> <p>5 Is that you on the left?</p> <p>6 A Yes.</p> <p>7 Q Do you recall when this photo was taken?</p> <p>8 A I'm assuming 2015, because it says 2015 on</p> <p>9 it.</p> <p>10 Q It has a hashtag, Playmates.</p> <p>11 Was this photo taken on behalf of Playboy?</p> <p>12 A No.</p> <p>13 Q Is David Mecey the person who took this</p> <p>14 photograph?</p> <p>15 A Yes.</p> <p>16 Q That's his copy right on the top left</p> <p>17 corner; is that correct?</p> <p>18 A Yes.</p> <p>19 Q Do you recall the company this was taken</p> <p>20 for?</p> <p>21 A Spicy.</p> <p>22 Q And what is Spicy?</p> <p>23 A Lingerie company.</p> <p>24 Q Is that a website, Spicy?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 45</p> <p>1 T. TOTH</p> <p>2 Q Do you recall how much you were paid for</p> <p>3 this photograph?</p> <p>4 A I do not.</p> <p>5 Q So does David Mecey own the rights to this</p> <p>6 picture?</p> <p>7 A I mean, the photographer always owns his</p> <p>8 work. But I mean, he's a friend of mine. So a lot</p> <p>9 of people would put that on their, so that way</p> <p>10 people know who shot it on social media.</p> <p>11 Q So did David give you permission to use</p> <p>12 this photograph on your social media?</p> <p>13 A Yes.</p> <p>14 Q Are you aware if David transfers any of</p> <p>15 his photographs to any third parties?</p> <p>16 A No, he does not.</p> <p>17 Q Have you ever asked him?</p> <p>18 A Yes. I mean, photographers, they can</p> <p>19 submit stuff. But they have -- but we would have to</p> <p>20 sign something, and we would have to be okay with</p> <p>21 that. But since this was for a particular company</p> <p>22 where the release was signed for this company, these</p> <p>23 images can only be used for Spicy Lingerie. So he</p> <p>24 cannot do anything with these images.</p> <p>25 Q Do you recall if you ever signed a release</p>	<p style="text-align: right;">Page 47</p> <p>1 T. TOTH</p> <p>2 A Myself.</p> <p>3 Q With your own camera?</p> <p>4 A My friend took it.</p> <p>5 Q So what is JOINEYECANDY.com?</p> <p>6 A At the time, it was an app somewhat like</p> <p>7 Instagram.</p> <p>8 Q So it's a social media platform?</p> <p>9 A Yes.</p> <p>10 Q Was it for models?</p> <p>11 A It's pretty much like Instagram. So you</p> <p>12 have followers on there, and your own profile.</p> <p>13 Q Does it allow users to connect more</p> <p>14 personally with other users?</p> <p>15 A It's pretty much the same thing.</p> <p>16 Q You said "it was."</p> <p>17 Did it dissolve, the company?</p> <p>18 A I don't know. I don't work with them</p> <p>19 anymore. So I don't know.</p> <p>20 Q When was the last time you worked with</p> <p>21 them?</p> <p>22 A This would have been in 2015, because I</p> <p>23 guess that's what it says on there.</p> <p>24 Q Did you have a contract with this company?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 46</p> <p>1 T. TOTH</p> <p>2 with Spicy Lingerie?</p> <p>3 A Yes.</p> <p>4 Q Do you recall the last time you did work</p> <p>5 for Spicy Lingerie?</p> <p>6 A It might have been some time last year. I</p> <p>7 don't remember.</p> <p>8 Q Do you recall how many times last year you</p> <p>9 worked with Spicy Lingerie?</p> <p>10 A I do not.</p> <p>11 Q If you would, turn to the next tab.</p> <p>12 MR. SPIEGEL: Let's mark this as TT11.</p> <p>13 (Whereupon, a photograph was</p> <p>14 marked as Exhibit TT11 for</p> <p>15 Identification.)</p> <p>16 Q Is that your midsection?</p> <p>17 A Yes.</p> <p>18 Q Do you recall when this photograph was</p> <p>19 taken?</p> <p>20 A I don't know when that specific photograph</p> <p>21 was taken. I don't remember.</p> <p>22 Q Did you take this photograph for</p> <p>23 JOINEYECANDY.com?</p> <p>24 A No.</p> <p>25 Q Who did you take this photograph for?</p>	<p style="text-align: right;">Page 48</p> <p>1 T. TOTH</p> <p>2 Q So what were you compensated for this</p> <p>3 photo?</p> <p>4 A Not for this post. But people that would</p> <p>5 join, would pay, and then you would make money from</p> <p>6 who would join.</p> <p>7 Q Did you have an equity stake in this</p> <p>8 company?</p> <p>9 A No.</p> <p>10 Q Part ownership?</p> <p>11 A No.</p> <p>12 Q So somebody joined and they connected with</p> <p>13 you, you could make money off of that?</p> <p>14 A Yes.</p> <p>15 Q In 2015, do you know how much money you</p> <p>16 made off of JOINEYECANDY.com?</p> <p>17 A I don't remember.</p> <p>18 Q Do you recall how much money you made in</p> <p>19 2016 off of JOINEYECANDY.com?</p> <p>20 A No.</p> <p>21 Q Why did you stop working with them?</p> <p>22 A I don't really even remember. I think</p> <p>23 just because I'm on Instagram, and it's too hard to</p> <p>24 keep up so many photos. I just didn't have time for</p> <p>25 it.</p>

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1 T. TOTH

2 Q Okay. Turn to tab 16.

3 Was this photograph taken at the Playboy

4 Mansion?

5 A No.

6 Q Where was this photograph taken?

7 A In Scottsdale.

8 Q At the W in Scottsdale?

9 A Yes.

10 Q Was this for a Playboy function?

11 A Yes.

12 Q Were you paid by Playboy to attend?

13 A Yes.

14 Q Do you recall how much you were paid?

15 A I do not.

16 Q Was this photograph taken by a

17 professional photographer?

18 A No. It might have been, actually. I

19 don't know. I take my own pictures too, so I don't

20 know.

21 Q Okay. If we turn to tab 17.

22 Do you recall when this photograph was

23 taken?

24 A It says December 2014.

25 Q Does that sound about right?

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1 T. TOTH

2 A Yes.

3 Q Was this photograph taken on behalf of the

4 company?

5 A No.

6 Q Was this part of a collaboration?

7 A It was for my friend who's a comedian. It

8 was like a funny skit she did for YouTube.

9 Q So it has a hashtag, Victoria's Secret,

10 hashtag, parody, hashtag, VS Fashion Show.

11 This was not part of a Victoria's Secret

12 Fashion Show?

13 A No.

14 Q If you would, turn to tab 18.

15 Was this photograph taken at a Playboy

16 function in Seoul, Korea?

17 A Yes.

18 Q Do you recall how much you were paid to

19 attend this event?

20 A No.

21 Q If you would, turn to the next tab, tab

22 19.

23 MR. SPIEGEL: We'll mark this as TT12,

24 please.

25 (Whereupon, a photograph was

Page 51

1 T. TOTH

2 marked as Exhibit TT12 for

3 Identification.)

4 Q So looking at these four magazine cover

5 photos.

6 It appears that you're featured on the top

7 left one, correct?

8 A Those aren't magazine covers.

9 Q Okay. What are they?

10 A They are flyers for an event.

11 Q So you're featured on the one flyer for

12 the event, or all four pictures are on the same

13 flyer?

14 A They're different flyers, so I have my

15 phone flyer. They were all just posted together,

16 because we were all working together.

17 Q So are all these flyers for the same

18 event?

19 A Yes.

20 Q And it says here, at Cake Nightclub.

21 Is that the name of a nightclub in Los

22 Angeles?

23 A No.

24 Q What's Cake Nightclub?

25 A It's a nightclub in Scottsdale.

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1 T. TOTH

2 Q Did you have to fly out to Scottsdale for

3 this event?

4 A Yes.

5 Q Did you attend the event?

6 A Yes.

7 Q Do you recall who sponsored this party?

8 Sorry, let me rephrase that.

9 Did you take the picture for Cake

10 Nightclub?

11 A No.

12 Q Who did you take this picture for?

13 A That was for myself, and we provided them

14 with the image they could use.

15 Q So who was the photographer of this image?

16 A My friend Eric.

17 Q Do you recall how much you were paid for

18 this photograph?

19 A I was not paid, because it was a

20 collaboration for me to get photos.

21 Q But you said you ended up attending the

22 party, correct?

23 A Yes.

24 Q Were you paid to attend the party?

25 A Yes.

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1 T. TOTH

2 Q Do you recall how much you were paid?

3 A I do not.

4 Q If you would, turn to tab 21.

5 A It's a different photo.

6 Q Yeah, we're skipping one.

7 So here you were featured on the cover of

8 Candy Magazine?

9 A Yes.

10 Q And it says that you were the readers'

11 choice for the favorite 2013 Candy cover, correct?

12 A Correct.

13 Q So were you featured during the 2013 year,

14 as well, on the cover?

15 MR. GOLASZEWSKI: Objection.

16 A So that would have been for a cover in

17 2013.

18 Q So do they have an issue where there's

19 model of the year for Candy Magazine, such as

20 Playboy might have Playmate of the year?

21 A Correct, yes.

22 Q So my understanding is that you would have

23 been featured on one of the magazine covers

24 throughout the year, and then you're picked to be

25 the model of the year at the end of the year; is

Page 54

1 T. TOTH

2 that correct?

3 A So there's a girl on every issue for the

4 year. This was just for, I guess, what readers had

5 voted as their favorite cover. But I think they

6 also have like a model-of-the-year type thing too.

7 Q Do you know how many times you've been

8 featured on the cover of Candy Magazine?

9 A I think three times.

10 MR. SPIEGEL: And we're going to mark this

11 as 13.

12 (Whereupon, a photograph was

13 marked as Exhibit TT13 for

14 Identification.)

15 Q You said that you were featured on the

16 cover of Candy Magazine three times?

17 A I believe it was three.

18 Q So do you recall how much you were paid to

19 be on the cover of the magazine?

20 A I don't remember. I do know, though, that

21 we would also make a percent of sales as well. I do

22 know that. I don't remember how much it was though.

23 Q And answer only if you know that this: Do

24 you recall those three times that you were featured

25 on the cover of Candy Magazine; was that all during

Page 55

1 T. TOTH

2 2013?

3 A No.

4 Q Do you recall when you were featured on

5 the cover of the magazine?

6 A I don't remember.

7 Q Do you remember the last time you were

8 featured on the cover of Candy Magazine?

9 A It was some time last year.

10 Q What kind of magazine is Candy Magazine?

11 What kind of publication is it?

12 A What do you mean? Like is it --

13 Q Is it sports, fashion?

14 A It's like a men's lifestyle type magazine.

15 Q Now, outside of being on the cover of this

16 magazine, have you been featured in the publication

17 itself?

18 A Inside of this issue, yes.

19 Q Outside of the issues that you're on the

20 cover, were you featured otherwise in the magazine?

21 A Yes.

22 Q Do you recall how many times you've been

23 in this magazine outside of the cover issues?

24 A Well, any one of the issues that I'm on

25 the cover, I would be inside of the magazine.

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1 T. TOTH

2 Is that what do you mean?

3 Q Outside of those issues.

4 A Oh, no.

5 Q So you've only been featured in Candy

6 Magazine total three times, correct?

7 A I believe it was three.

8 Q Okay.

9 A I think it was three.

10 Q And did Candy Magazine give you permission

11 to use this photograph on your social media site?

12 A Yes.

13 Q If we would, turn to tab Insta 1.

14 Do you recall who you took this photograph

15 for, what company?

16 A This was for myself.

17 Q Did you take this photograph yourself with

18 your camera?

19 A No, this was a photographer friend of

20 mine.

21 Q But you didn't do this on behalf of a

22 company, correct?

23 A It was a company provided me the lingerie

24 that I could use for the shoot if I tagged them.

25 Q So you received free lingerie?

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1 T. TOTH

2 A Yes. So this was a collaboration.

3 Q Okay.

4 MR. SPIEGEL: We're going to mark this as

5 TT14.

6 (Whereupon, a photograph was

7 marked as Exhibit TT14 for

8 Identification.)

9 Q Do you recall when you took this photo?

10 A Within the last two years. I can't be

11 sure though.

12 Q Okay. Now, if you turn to the next tab,

13 Insta 2.

14 Did you take this photograph with your own

15 camera?

16 A Yes.

17 Q Did you ever sell this photograph to any

18 company?

19 A No.

20 Q If you would, turn to Insta 3.

21 It looks like this photograph is for a

22 Super Bowl party; is that right?

23 A Yes.

24 Q Did you take this at the Playboy mansion?

25 A No.

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1 T. TOTH

2 Q Do you recall where you took this photo?

3 A This was at a venue in San Francisco.

4 Q Do you recall if -- did you take this

5 photograph for Playboy?

6 A It might have been. Sometimes if you're

7 booked a job, there might be a requirement within,

8 that you post at least whatever they tell you for

9 that night. Like this particular event might have

10 had that we had to post a picture that night as

11 well.

12 Q Do you recall what you were paid to attend

13 this event?

14 A I do not.

15 Q Please turn to Insta 4 tab.

16 Was this photograph taken on behalf a

17 company?

18 A Yes.

19 Q Let's mark this as TT15, please.

20 (Whereupon, a photograph was

21 marked as Exhibit TT15 for

22 Identification.)

23 Q What company was this photograph taken

24 for?

25 A It looks like Spicy.

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1 T. TOTH

2 Q Do you recall what you were compensated

3 for this photo?

4 A I do not.

5 Q Do you recall if Spicy used this

6 photograph on their own website?

7 A Yes.

8 Q Do you recall signing a release with Spicy

9 for this photograph?

10 A Yes.

11 Q If you would, turn to Insta 5.

12 This looks like a photograph of the

13 Playboy mansion; is that correct?

14 A Yes.

15 Q Is this one of the photographs that you

16 were paid to attend an event?

17 A No. Or actually, I think I was there for

18 a job, but we went in the grotto.

19 Q What kind of job were you there for?

20 A Something for Playboy.

21 Q So Playboy has parties at their mansion;

22 is that correct?

23 A Yes.

24 Q And then they ask you to attend and they

25 give a fee for attending; is that correct?

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1 T. TOTH

2 A Yes.

3 Q And do you recall how much you were paid

4 to attend this event?

5 A This wasn't an event. This was a photo

6 shoot with a few people that was at the mansion.

7 Q Okay. So do you recall what you were paid

8 for this photo shoot with Playboy?

9 A I don't.

10 Q If you would, turn to Insta 6.

11 This just looks like a selfie; is that

12 correct?

13 A Yes.

14 Q This wasn't used for any publication,

15 correct?

16 A No.

17 Q If you would, turn to Insta 7, please.

18 Was this used for any -- I'm sorry, take

19 that back.

20 Did you take this photograph for any

21 company?

22 A Yes.

23 MR. SPIEGEL: Would you please mark that

24 as TT16.

25 (Whereupon, a photograph was

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<p>1 T. TOTH</p> <p>2 marked as Exhibit TT16 for</p> <p>3 Identification.)</p> <p>4 A When you say, take for a company, do you</p> <p>5 mean post for a company, or the actual picture was</p> <p>6 shot for a company?</p> <p>7 Q Either or.</p> <p>8 A I mean, it was shot for a company.</p> <p>9 Q What company did you shoot this for?</p> <p>10 A I don't remember exactly the name of it.</p> <p>11 I don't remember.</p> <p>12 Q Looks like it might be a bathing suit</p> <p>13 company?</p> <p>14 A Yeah.</p> <p>15 Q Do you recall how much you were paid for</p> <p>16 this company?</p> <p>17 A I don't.</p> <p>18 Q Do you recall signing a release to take</p> <p>19 this photograph for this company?</p> <p>20 A Yes. I usually sign a release.</p> <p>21 Q Okay. If you would, turn to Insta 8,</p> <p>22 please.</p> <p>23 MR. SPIEGEL: Actually, off the record for</p> <p>24 a second.</p> <p>25 (Whereupon, an off-the-record</p>	<p>1 T. TOTH</p> <p>2 Q Do you recall how much you were paid?</p> <p>3 A I do not.</p> <p>4 Q If you would, turn to Insta 9.</p> <p>5 Was this photograph taken with your own</p> <p>6 camera?</p> <p>7 A Yes.</p> <p>8 Q But it says in the caption that it was</p> <p>9 taken for Roma Costume for today.</p> <p>10 So was this at the set of a Roma shooting?</p> <p>11 A Yes.</p> <p>12 Q Do you recall what you were compensated</p> <p>13 for this photo shoot?</p> <p>14 A I don't remember.</p> <p>15 Q If you would, turn to Insta 10. The</p> <p>16 caption says from a 2014 calender shoot.</p> <p>17 Do you recall who the calender shoot was</p> <p>18 for?</p> <p>19 A Yes.</p> <p>20 Q Who was it?</p> <p>21 A It was my own calender.</p> <p>22 Q Who published the calender?</p> <p>23 A It was a publishing company on my behalf.</p> <p>24 Q What publishing company?</p> <p>25 A It was -- oh, gosh, I don't remember</p>
Page 62	Page 64
<p>1 T. TOTH</p> <p>2 discussion was held at this</p> <p>3 time.)</p> <p>4 Q So looking at Insta 8.</p> <p>5 Was this photograph taken at the Playboy</p> <p>6 Mansion?</p> <p>7 A No.</p> <p>8 Q Where was this photograph taken?</p> <p>9 A In Scottsdale.</p> <p>10 Q Was this photograph used in -- strike</p> <p>11 that.</p> <p>12 Was this photograph taken by Playboy or</p> <p>13 for Playboy?</p> <p>14 A I don't know if someone took it or if it</p> <p>15 was with my own camera. I'm not sure.</p> <p>16 Q So you're not sure if Playboy used this on</p> <p>17 their website or in their publication?</p> <p>18 A I mean, they could if they wanted to.</p> <p>19 Q Do you recall what event this was for?</p> <p>20 A Yes.</p> <p>21 Q What event was it?</p> <p>22 A This was for the Super Bowl party.</p> <p>23 Q Do you recall if you were paid to attend</p> <p>24 the Super Bowl party?</p> <p>25 A Yes, I was.</p>	<p>1 T. TOTH</p> <p>2 exactly. I think it was TF Publishing.</p> <p>3 Q Do you recall who --</p> <p>4 A I'd have to look it up. I don't remember</p> <p>5 exactly the name.</p> <p>6 Q Do you recall who the photographer was</p> <p>7 taking this photograph?</p> <p>8 A Yes.</p> <p>9 Q Who was it?</p> <p>10 A It was Mario.</p> <p>11 Q What's Mario's last name?</p> <p>12 A Barberio.</p> <p>13 Q How do you spell that, please?</p> <p>14 A B-A-R-B-E-R-I-O.</p> <p>15 Q So the calender was for 2014; is that</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Do you know how many calendars you sold?</p> <p>19 A I don't remember.</p> <p>20 Q Do you recall how much you made per</p> <p>21 calender sale?</p> <p>22 A I don't remember what the agreement</p> <p>23 exactly was, how much per calender.</p> <p>24 Q Did you receive a flat rate from the</p> <p>25 publishing company?</p>

<p style="text-align: right;">Page 65</p> <p>1 T. TOTH</p> <p>2 A No.</p> <p>3 Q Are you aware if this photograph was used</p> <p>4 by any other company?</p> <p>5 A It was not.</p> <p>6 Q All right. If you would, turn to Insta</p> <p>7 11.</p> <p>8 Was this a photograph you took for</p> <p>9 Playboy?</p> <p>10 A Yes.</p> <p>11 Q Do you recall what year this photograph</p> <p>12 was taken?</p> <p>13 A 2011.</p> <p>14 Q Was this part of your Playmate of the</p> <p>15 Month issue?</p> <p>16 A Yes.</p> <p>17 Q If you would, turn to Insta 12.</p> <p>18 Do you recall who you took this photograph</p> <p>19 for?</p> <p>20 A That was the same company. I don't</p> <p>21 remember exactly what the name of it was.</p> <p>22 Q And this photographer was Mario Barberio,</p> <p>23 the same photographer you said before, correct?</p> <p>24 A Yes.</p> <p>25 Q Do you recall how much you were</p>	<p style="text-align: right;">Page 67</p> <p>1 T. TOTH</p> <p>2 that correct?</p> <p>3 A Yes.</p> <p>4 Q Do you recall when you took this picture?</p> <p>5 A No.</p> <p>6 Q Do you recall how much you were</p> <p>7 compensated for this picture?</p> <p>8 A No.</p> <p>9 Q If you would, turn to Insta 16.</p> <p>10 Do you recall when you took this</p> <p>11 photograph?</p> <p>12 A It was quite awhile ago. But I don't</p> <p>13 remember exactly.</p> <p>14 Q Do you recall who you took this photograph</p> <p>15 for?</p> <p>16 A This was just with my own camera.</p> <p>17 Q Was this photograph -- to the best of your</p> <p>18 knowledge, was this photograph used by any company.</p> <p>19 A No.</p> <p>20 Q And you said before, I think you had over</p> <p>21 4 million Facebook likes?</p> <p>22 A Follower, likes, I think it's the same.</p> <p>23 Q Do you know approximately how many</p> <p>24 Instagram followers you have?</p> <p>25 A I have almost 1.1 million.</p>
<p style="text-align: right;">Page 66</p> <p>1 T. TOTH</p> <p>2 compensated for this photograph?</p> <p>3 A I don't remember for this one.</p> <p>4 Q Could we turn to Insta 13. This</p> <p>5 photograph looks similar to the last one.</p> <p>6 To the best of your recollections was this</p> <p>7 the same company as the last photograph?</p> <p>8 A Yes. But this was a picture I took from</p> <p>9 the computer, once again.</p> <p>10 Q And do you recall how much you were</p> <p>11 compensated for this photograph?</p> <p>12 A I do not.</p> <p>13 Q If we could, turn to Insta 14. You have</p> <p>14 Roma costume next to the picture.</p> <p>15 Is that who you took this photograph from?</p> <p>16 A Yes. This was a picture from their</p> <p>17 catalog.</p> <p>18 Q Do you recall when you took this picture?</p> <p>19 A I do not.</p> <p>20 Q Do you recall how much you were</p> <p>21 compensated for this picture?</p> <p>22 A I do not.</p> <p>23 Q If you would, turn to Insta 15. Same</p> <p>24 thing.</p> <p>25 This one was taken for Roma costumes; is</p>	<p style="text-align: right;">Page 68</p> <p>1 T. TOTH</p> <p>2 Q Are you more active on either one of them</p> <p>3 or equally active?</p> <p>4 A I would say equally.</p> <p>5 Q Now, are you paid to run any ads on any</p> <p>6 social media site by any company?</p> <p>7 MR. GOLASZEWSKI: Objection.</p> <p>8 A Like what do you mean ads?</p> <p>9 Q For example, does any company pay you to</p> <p>10 give them a shoutout on your social media page?</p> <p>11 A Yes.</p> <p>12 Q Just focusing on 2017 alone, okay.</p> <p>13 What companies pay you to represent them</p> <p>14 your social media sites?</p> <p>15 A In just 2017?</p> <p>16 Q Let's just focus on 2017 for a moment.</p> <p>17 A Gosh, I don't know.</p> <p>18 Q A lot?</p> <p>19 MR. GOLASZEWSKI: Objection.</p> <p>20 A I mean, because sometimes people have us</p> <p>21 post for 24 hours. Sometimes they'll have us post</p> <p>22 for five hours. I can't remember off the top of my</p> <p>23 head. There might still be some on their if they're</p> <p>24 permanent posts. So I can't really say.</p> <p>25 Q Do you run your own social media sites?</p>

<p style="text-align: right;">Page 69</p> <p>1 T. TOTH</p> <p>2 A Yes.</p> <p>3 Q So let's try to parse them out a little</p> <p>4 bit, break them dow. So let's focus just on</p> <p>5 Facebook.</p> <p>6 In 2017, who has -- what advertisers have</p> <p>7 paid you to post permanently on Facebook?</p> <p>8 MR. GOLASZEWSKI: Objection.</p> <p>9 A I mean, there's not one specific company.</p> <p>10 There are different -- they could be articles. They</p> <p>11 can be videos, and you can be paid per click. So I</p> <p>12 mean, if you keep it up longer, you get paid more.</p> <p>13 So I'm allowed to delete anything I want. I mean,</p> <p>14 it's my page. But everything's kind of case by</p> <p>15 case. Sometimes people will pay you to put</p> <p>16 something up for five hours, sometimes 24, sometimes</p> <p>17 for just a week. So I would need to know exactly</p> <p>18 what company you're asking for to really know.</p> <p>19 Q So that's why I'm trying to understand</p> <p>20 what companies you work with. So let's break it</p> <p>21 down a little more.</p> <p>22 Over the past week, have you posted</p> <p>23 anything on Facebook on behalf of a company and</p> <p>24 received compensation for that post?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 71</p> <p>1 T. TOTH</p> <p>2 A Well, I can share. I run my own page. So</p> <p>3 I share whatever I want to share that's provided if</p> <p>4 I want to share it or not.</p> <p>5 Q Do you have an agreement with them of the</p> <p>6 number of posts you'll share on their behalf?</p> <p>7 A No.</p> <p>8 Q And how much are you compensated by</p> <p>9 ServeSpring to share their posts?</p> <p>10 A Well, you make money per click. So it</p> <p>11 kind of -- it'll depend. Like the article, like say</p> <p>12 you're make \$30 per thousand clicks or some</p> <p>13 companies pay a certain amount per one click. So it</p> <p>14 depends what articles you choose.</p> <p>15 Q How often do you receive a check from</p> <p>16 ServeSpring?</p> <p>17 A Once a month.</p> <p>18 Q So is the last check you received from</p> <p>19 them in March of 2017?</p> <p>20 A Well, sometimes I won't post though. So I</p> <p>21 mean, I'll still get a check, but it's kind of to</p> <p>22 whatever I feel like posting, if I want to or not.</p> <p>23 Q Understood. But was the last check you</p> <p>24 received from ServeSpring in March 2017?</p> <p>25 A I think so.</p>
<p style="text-align: right;">Page 70</p> <p>1 T. TOTH</p> <p>2 Q What companies have you done that for?</p> <p>3 A So it's a company that has articles. So</p> <p>4 it's like hard for me to say what exactly what I</p> <p>5 would call it, I guess.</p> <p>6 Q So you're paid by that one company to</p> <p>7 repost articles?</p> <p>8 A But the people also pay them. So like</p> <p>9 advertisers, I guess. I don't know the names of</p> <p>10 every single one that I share.</p> <p>11 Q Okay. So over the past week, right,</p> <p>12 what's the name of that company that's paid you to</p> <p>13 post on behalf of these companies?</p> <p>14 A ServeSpring.</p> <p>15 Q And does ServeSpring actually sell</p> <p>16 anything themselves?</p> <p>17 A They're like a -- I don't know how to</p> <p>18 explain it. Like they -- it's like they are -- they</p> <p>19 provide articles on social media that you can share.</p> <p>20 Q Okay. What kind of articles?</p> <p>21 A It could be like current events, pop</p> <p>22 culture, news.</p> <p>23 Q So just focusing on the last week, okay.</p> <p>24 What kind of posts -- if you know, what</p> <p>25 kind of posts have they asked to you share?</p>	<p style="text-align: right;">Page 72</p> <p>1 T. TOTH</p> <p>2 Q Do you recall how much you received from</p> <p>3 ServeSpring in March of 2017?</p> <p>4 A I didn't even look, actually. It's just</p> <p>5 direct deposit.</p> <p>6 Q Do you recall any checks you've ever</p> <p>7 received from ServeSpring, the amount of those</p> <p>8 checks?</p> <p>9 A I don't remember exactly.</p> <p>10 Q Was it less than a [REDACTED]?</p> <p>11 A No.</p> <p>12 Q Was it less than \$[REDACTED]?</p> <p>13 A No.</p> <p>14 Q It was less than \$[REDACTED]?</p> <p>15 A Wait, is it less than?</p> <p>16 Q So the monthly checks you've received from</p> <p>17 ServeSpring to date, are those monthly checks less</p> <p>18 than \$[REDACTED]?</p> <p>19 A No.</p> <p>20 Q So those monthly checks -- are they less</p> <p>21 than \$[REDACTED]?</p> <p>22 A They could be. It just depends on how</p> <p>23 many times I posted or which articles. So sometimes</p> <p>24 I could make this much, sometimes I could make this</p> <p>25 much (indicating). It just companies on what I post</p>